

REFERENCE TITLE: vehicle and use fuel taxes

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2165

Introduced by
Representative Bradley

AN ACT

AMENDING TITLE 28, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-5606.01; AMENDING SECTION 28-5808, ARIZONA REVISED STATUTES; RELATING TO MOTOR VEHICLE AND USE FUEL TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 16, article 1, Arizona Revised Statutes,
3 is amended by adding section 28-5606.01, to read:

4 28-5606.01. Additional motor vehicle and use fuel taxes

5 A. IN ADDITION TO THE MOTOR VEHICLE FUEL TAX IMPOSED PURSUANT TO
6 SECTION 28-5606, A TAX OF SIX CENTS PER GALLON IS IMPOSED ON MOTOR VEHICLE
7 FUEL POSSESSED, USED OR CONSUMED IN THIS STATE WHEN THE PRICE OF UNLEADED
8 MOTOR VEHICLE FUEL IN THIS STATE AVERAGES LESS THAN TWO DOLLARS SEVENTY-FIVE
9 CENTS PER GALLON.

10 B. IN ADDITION TO THE USE FUEL TAX IMPOSED PURSUANT TO SECTION
11 28-5606, A TAX OF SIX CENTS PER GALLON IS IMPOSED ON USE FUEL USED IN THE
12 PROPULSION OF A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE WHEN THE PRICE OF
13 USE FUEL IN THIS STATE AVERAGES LESS THAN TWO DOLLARS SEVENTY-FIVE CENTS PER
14 GALLON.

15 C. THE DEPARTMENT OF WEIGHTS AND MEASURES SHALL ESTABLISH BY RULE:

16 1. INFORMATION, STANDARDS AND PROCEDURES FOR DETERMINING THE AVERAGE
17 PRICE OF UNLEADED MOTOR VEHICLE FUEL AND USE FUEL PER GALLON IN THIS STATE.
18 THE STANDARDS SHALL INCLUDE USING THE LUNDBERG RETAIL SURVEY TO DETERMINE
19 WHEN THE TWO DOLLARS SEVENTY-FIVE CENTS PER GALLON AVERAGE FOR UNLEADED MOTOR
20 VEHICLE FUEL OR USE FUEL IS MET.

21 2. PROCEDURES FOR STOPPING THE COLLECTION OF THE TAX AND RESTARTING
22 THE COLLECTION OF THE TAX BASED ON THE AVERAGE PRICE OF UNLEADED MOTOR
23 VEHICLE FUEL AND USE FUEL PER GALLON IN THIS STATE.

24 Sec. 2. Section 28-5808, Arizona Revised Statutes, is amended to read:

25 28-5808. Vehicle license tax distribution

26 A. The director shall distribute monies collected by the director
27 pursuant to section 28-5801, except monies deposited in the state general
28 fund, on the first and fifteenth calendar day of each month as follows:

29 1. On the first calendar day, the director shall deposit, pursuant to
30 sections 35-146 and 35-147, all of the Arizona highway user revenue fund
31 monies received from the first through the fifteenth calendar day of the
32 preceding month in the Arizona highway user revenue fund, except that on the
33 first calendar day the director shall deposit, pursuant to sections 35-146
34 and 35-147: ,

35 (a) In the parity compensation fund established by section 41-1720,
36 1.51 per cent of the portion of vehicle license tax revenues that otherwise
37 would be deposited in the state highway fund from the first through the
38 fifteenth calendar day of the preceding month.

39 (b) IN THE STATE GENERAL FUND, A DOLLAR AMOUNT THAT IS EQUIVALENT TO
40 THE REVENUES RECEIVED BY THIS STATE DURING THE FIRST THROUGH THE FIFTEENTH
41 CALENDAR DAY OF THE PRECEDING MONTH FROM THE MOTOR VEHICLE FUEL TAX AND THE
42 USE FUEL TAX IMPOSED BY SECTION 28-5606.01.

43 2. On the fifteenth calendar day, the director shall deposit, pursuant
44 to sections 35-146 and 35-147, all of the Arizona highway user revenue fund
45 monies received from the sixteenth through the last day of the preceding

1 month in the Arizona highway user revenue fund, except that on the fifteenth
2 calendar day, the director shall deposit, pursuant to sections 35-146 and
3 35-147, in the parity compensation fund established by section 41-1720, 1.51
4 per cent of the portion of vehicle license tax revenues that otherwise would
5 be deposited in the state highway fund from the sixteenth through the last
6 day of the preceding month AND, IN THE STATE GENERAL FUND, A DOLLAR AMOUNT
7 THAT IS EQUIVALENT TO THE REVENUES RECEIVED BY THIS STATE FROM THE SIXTEENTH
8 THROUGH THE LAST DAY OF THE PRECEDING MONTH FROM THE MOTOR VEHICLE FUEL TAX
9 AND THE USE FUEL TAX IMPOSED BY SECTION 28-5606.01. On the fifteenth
10 calendar day, the director shall distribute or deposit all other monies
11 received during the entire preceding month as follows:

12 (a) The county general fund monies to the county general fund.

13 (b) The county transportation monies to the state treasurer to be
14 apportioned among the counties for any purposes related to transportation, as
15 determined by the board of supervisors, on the basis that the population of
16 the unincorporated area of each county bears to the population of the
17 unincorporated areas of all counties in this state.

18 (c) The incorporated cities and towns monies to the incorporated
19 cities and towns of the county in proportion to the population of each.

20 3. The deposit of the monies in the parity compensation fund pursuant
21 to paragraphs 1 and 2 of this subsection shall not impact the distribution of
22 vehicle license tax revenues to the state general fund and to cities, towns
23 and counties pursuant to this section.

24 B. The director shall distribute monies collected by the director
25 pursuant to sections 28-5804, 28-5805, 28-5806 and 28-5810, except monies
26 deposited in the state general fund, on the first and fifteenth calendar day
27 of each month as follows:

28 1. On the first calendar day, the director shall deposit, pursuant to
29 sections 35-146 and 35-147, 37.61 per cent of all monies received from the
30 first through the fifteenth calendar day of the preceding month in the
31 highway user revenue fund.

32 2. On the fifteenth calendar day, the director shall deposit, pursuant
33 to sections 35-146 and 35-147, 37.61 per cent of all monies received from the
34 sixteenth through the last day of the preceding month in the highway user
35 revenue fund and distribute or deposit the following amounts as a percentage
36 of all monies received pursuant to sections 28-5804, 28-5805, 28-5806 and
37 28-5810 during the entire preceding month as follows:

38 (a) 20.45 per cent to the county general fund.

39 (b) 4.91 per cent to the state treasurer to be apportioned among the
40 counties for any purposes related to transportation, as determined by the
41 board of supervisors, on the basis that the population of the unincorporated
42 area of each county bears to the population of the unincorporated areas of
43 all counties in this state.

44 (c) 20.45 per cent to the incorporated cities and towns of the county
45 in proportion to the population of each.

1 (d) Except as provided in subsection C of this section, 1.64 per cent
2 shall be deposited, pursuant to sections 35-146 and 35-147, in the state
3 highway fund established by section 28-6991.

4 (e) 4.09 per cent in the state highway fund established by section
5 28-6991.

6 (f) 10.85 per cent shall be deposited, pursuant to sections 35-146 and
7 35-147, in the state general fund to aid school financial assistance.

8 C. Through September 30, 2003, if the department's authorized share of
9 federal surface transportation program monies in each year is more than
10 forty-two million dollars, the director shall deposit each year in equal
11 installments during the year an annual amount equal to the difference between
12 this state's authorized share of federal surface transportation program
13 monies and forty-two million dollars from the amount prescribed in subsection
14 B, paragraph 2, subdivision (d) of this section in the local transportation
15 assistance fund established by section 28-8101. Monies deposited in the
16 local transportation assistance fund pursuant to this subsection shall be
17 distributed to eligible cities, towns and counties as provided in section
18 28-8103. The amount distributed pursuant to this subsection shall not exceed
19 the amount prescribed in subsection B, paragraph 2, subdivision (d) of this
20 section.

21 D. For purposes of this section the population of a county, city or
22 town shall be determined as provided by section 28-6532 or 42-5033.01. If an
23 incorporated city or town has had no federal enumeration of population, the
24 supervisors shall both:

25 1. Appoint a qualified person to take an accurate census of the
26 incorporated city or town.

27 2. Certify the results to the county treasurer, and the incorporated
28 city or town shall share in the distribution as provided by this section.

29 Sec. 3. Requirements for enactment: two-thirds vote

30 Pursuant to article IX, section 22, Constitution of Arizona, this act
31 is effective only on the affirmative vote of at least two-thirds of the
32 members of each house of the legislature and is effective immediately on the
33 signature of the governor or, if the governor vetoes this act, on the
34 subsequent affirmative vote of at least three-fourths of the members of each
35 house of the legislature.